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12-18-03

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: LESLIE, Stewart Thomas  
Serial No.: 10/037,299  
Examiner: YOUNG, Micah-Paul  
Art Unit: 1615  
Filed: October 25, 2001  
For: TRANSDERMAL DOSAGE FORM

Mail Stop: RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 19, 2003

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Sir:

In the Statement of Reasons for Allowance accompanying the Notice of Allowance mailed on August 19, 2003, the Examiner stated that "... *Granger et al (USPN 5,149,538), discloses a transdermal formulation, which deters misuse, yet no distressing compounds are present. Granger et al merely uses antagonists that counteract the opioid.*"

In response, Applicant respectfully submits that antagonists are not excluded from the term "distressing substances" as recited in claims 1 and 2.

As discussed in the Amendments filed on January 2, 2003 and July 30, 2003, Granger et al does not teach, hint or suggest the distressing substance not being permeable through the skin as recited in claim 1, or the membrane of the vehicle for providing transdermal flux of the opioid analgesic being permeable to the opioid analgesic and non-permeable to the distressing substance as recited in claim 2.

**CONCLUSION**

This Comment on Statement of Reasons for Allowance is being submitted with a Request for Continued Examination, Information Disclosure Statement and cited reference. A check in the amount of \$770.00 is enclosed to cover the Request for Continued Examination fee.

In the event any additional fee is due or overpayment made in connection with the filing of this Comment on Statement of Reasons for Allowance, Request for Continued Examination, or Information Disclosure Statement, the Assistant Commissioner is hereby authorized to charge said deficiency or credit overpayment to our Deposit Account No. 50-0552.

Respectfully submitted,  
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Robert J. Paradiso  
Reg. No. 41,240

DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736-1940